

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)	
License to Conduct Gambling Activities of:)	NO. CR 2010-01391
)	
Srey Sau)	FINDINGS, CONCLUSIONS,
Kent, Washington,)	DECISION, AND FINAL
)	ORDER IN DEFAULT
Licensee.)	

THE MATTER of the revocation of the license to conduct gambling activities of Srey Sau having come before the Commission on April 14, 2011, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

I.

The Washington State Gambling Commission issued Srey Sau license number 68-04931, authorizing Card Room Employee activity, formerly at Great American Casino in Tukwila. This license expires on June 7, 2011, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

On February 15, 2011, Director Rick Day issued administrative charges to Srey Sau, by certified and regular mail. The administrative charges notified Ms. Sau that failure to respond would result in the entry of a default order revoking her license. Ms. Sau did not respond to the charges.

By not responding, Srey Sau waives her right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

1) On December 10, 2010, the licensee, while off-duty from her position as a dealer at Great American Casino, cheated while playing Mini-Baccarat¹/Dragon Bonus Baccarat² at Great American at Casino.

¹ Mini-Baccarat contains two different games which can be played two different ways, betting on a player or banker, and betting on a tie hand. There are three betting positions for each betting spot at the Mini-Baccarat table. They are Player, Banker and Tie and represent the possible outcomes of the hands. Players may wager on any of these or a combination of Player/Tie or Banker/Tie before the hands are dealt. The player spot and banker spot are each dealt two cards. The highest possible total of the card count is 9, the lowest is 0. The total of the first two cards in each hand determine if additional cards are dealt. Tens and face cards count a 0/nothing. Other cards count as their face value. The hand (player, banker) closest to 9 wins. If both hands add up to the same total, it is called a Tie.

² Dragon Bonus is an optional side bet for Mini-Baccarat. A player who is actively playing mini-baccarat can win if their selected hand for Dragon Bonus is a natural mini-baccarat winner, or if their selected hand is a non-natural winner that wins by four or more points.

2) The agent observed on surveillance video the following: Ms. Sau placed a \$75 regular player bet prior to the cards being dealt. She also made a \$10-\$15 Dragon Bonus bet. After all the cards had been dealt, the dealer turned over the cards, and the banker won. Shortly thereafter, and before the dealer collected the losing bets, Ms. Sau took back her losing \$75 player wager. The dealer observed Ms. Sau take back her bet, then the dealer reached across the table and took Ms. Sau's losing \$75 wager.

3) The licensee's actions violate RCW 9.46.1961 (Cheating in the First Degree) and RCW 9.46.190 (Fraud). Under RCW 9.46.190, the licensee engaged in an act to defraud Great American Casino and her actions demonstrate that she poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities. The licensee has failed to prove she is qualified for licensure as required under RCW 9.46.153. Therefore, grounds exist to revoke Srey Sau's license under RCW 9.46.075(1) and (8), and WAC 230-03-085(1) and (8).

RCW 9.46.075 Denial, suspension, or revocation of license, application, or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein. (The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter;

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization: (The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

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RCW 9.46.1961 Cheating in the First Degree

- (1) A person is guilty of cheating in the first degree if he or she engages in cheating³ and:
- (a) Knowingly causes, aids, abets, or conspires with another to engage in cheating; or
 - (b) Holds a license or similar permit issued by the State of Washington to conduct, manage, or act as an employee in an authorized gambling activity.
- (2) Cheating in the first degree is a class C felony subject to the penalty set forth in RCW 9A.20.021. In addition to any other penalties imposed by law for a conviction of a violation of this section the court may impose an additional penalty of up to twenty thousand dollars.

RCW 9.46.190 Violations relating to fraud or deceit

Any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

(The following subsections apply.)

- (1) Employ any device, scheme, or artifice to defraud; or
- (3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.02.021.

RCW 9.46.153 Applicants and licensees Responsibilities and duties

(The following subsections apply.)

- (1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

IV.

CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Srey Sau's license to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

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³ RCW 9.46.196 Cheating Defined - (1) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator; (2) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator; (3) Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or (4) Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (1) through (3) of this section.

DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Srey Sau's Card Room Employee license's to conduct gambling activities is REVOKED.

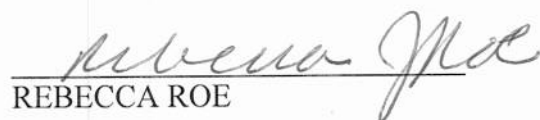
DATED this 14 day of April, 2011.


JOHN ELLIS, Chair

KEVEN ROJECKI, Vice Chair


MICHAEL REICHERT

MIKE AMOS


REBECCA ROE

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

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